THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.1571 & 1746 of 2007

DATED: 17-07-2007

W.P.No.1571 of 2007

Gurram Golla Laxuvvamma.

...PETITIONER

AND

The Superintendent of Police,
Mahabubnagar,
Mahabubnagar District & 2 others.

...RESPONDENTS

W.P.NO.1746 OF 2007:

Sabavath Muthyalamma.

... PETITIONER

AND

The State of A.P.,
Rep., by its Secretary,
Home Department,
Secretariat,
Hyderabad & 3 others.

... RESPONDENTS

COMMON ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners namely Gurram Golla Laxuvamma and Sabavath Muthyalamma seek to issue writ of mandamus declaring the action of the Superintendent of Police, Mahabubnagar, in harassing the petitioners and their family members and damaging their fields and house as illegal, arbitrary, and to appoint an Advocate-Commissioner to investigate the facts and file a report before this Court for taking necessary action.

3. It is stated that the husband of the petitioner in W.P.No.1571 of 2007 was elected as Sarpanch of Yellareddypalle village, Koilkonda Mandal of Mahaboobnagar District and her husband and his brother were unnecessarily implicated in Cr.No.4 of 2007 of Koilkonda Police station, Mahaboobnagar District for the offence punishable under

Section 302 IPC on a complaint filed against them. It is stated that

the husband of the petitioner and his brother are residents of Yellareddypalli village and jointly cultivating the lands. Whileso, the police damaged their crops and burnt the electric motors and therefore, the petitioners seek to get the matter enquired through the Revenue authorities or by an Advocate-Commissioner.

4. Petitioner in W.P.No.1746 of 2007 also makes serious allegations against the official respondents and seeks to appoint an Advocate-Commissioner to investigate the facts.

5. A common counter has been filed in both the Writ Petitions about the registration of cases. Insofar as the specific allegations made in W.P.No.1571 of 2007 that the police damaged their fields, crops, and burnt the electrical motors were all denied. The allegation that the police took away the cash amount from the accused was also denied.

6. I am of the opinion that if the police are acting illegally, unfairly, and in a partisan manner and if there was any damage either to the movable or immovable property or personal life and liberty it is always open for the petitioners to make a private complaint before the concerned criminal Court and take appropriate action in accordance with law, but it may not be just and proper for this Court to deal with such disputed questions of facts. It is for the criminal Court to consider the private complaints on their merits, take appropriate action, and get the same enquired by itself or through the Investigating Agency in accordance with law.

7. Accordingly, Writ Petitions are dismissed. No order as to costs.

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V. ESWARAIAH, J

17th July, 2007.
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